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**Human Rights Council**
**Twenty-sixth session**
Agenda item 3
**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Resolution adopted by the Human Rights Council**

## 26/2 The question of the death penalty

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations,

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, and reaffirming that all States must implement their obligations under international human rights law,

*Recalling also* the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty,

*Recalling further* General Assembly resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008, 65/206 of 21 December 2010 and 67/176 of 20 December 2012 on the question of a moratorium on the use of the death penalty,

*Reaffirming* the safeguards guaranteeing protection of those facing the death penalty set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, and the provisions regarding the implementation of the guidelines contained in Council resolutions 1989/64 of 24 May 1989 and 1996/15 of 23 July 1996,

*Recalling* all the resolutions of the Commission on Human Rights on the question of the death penalty, the last of which was resolution 2005/59 of 20 April 2005,

*Recalling also* Human Rights Council decision 18/117 of 28 September 2011 on reporting by the Secretary-General on the question of the death penalty, Council resolution 22/11 of 21 March 2013 on a panel on the human rights of children of parents sentenced to the death penalty or executed, and Council decision 22/117 of 21 March 2013 on a high-level panel discussion on the question of the death penalty,

*Taking note* of the reports of the Secretary-General on the question of the death penalty, the latest of which[1] highlighted the significant developments towards the universal abolition of the death penalty and some noticeable steps towards restricting its use in countries that have retained it, and reminded those States that still intend to implement the death penalty of the need to protect the rights of those facing the death penalty and to ensure that it is not imposed for offences committed by persons below 18 years of age, in particular in accordance with the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child,

*Mindful* of the work of special procedure mandate holders who have addressed human rights issues related to the death penalty, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on extrajudicial, summary or arbitrary executions,

*Mindful also* of the work undertaken by the treaty bodies to address human rights issues related to the death penalty,

*Welcoming* the fact that many States are applying a moratorium on the use of the death penalty,

*Noting* that States with different legal systems, traditions, cultures and religious backgrounds have abolished the death penalty or are applying a moratorium on its use,

*Strongly deploring* the fact that the use of the death penalty leads to violations of the human rights of those facing the death penalty and of other affected persons,

*Acknowledging* the interest in studying the question of the death penalty, as well as in holding national and international debates related thereto,

1. *Urges* States that have not yet abolished the death penalty to protect the rights of those facing the death penalty and to ensure that the death penalty is not imposed for offences committed by persons below 18 years of age, in particular in accordance with the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child;

2. *Calls upon* States that have not yet acceded to or ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty to consider doing so;

3. *Requests* the Secretary-General to dedicate the 2015 supplement to his quinquennial report on capital punishment to the consequences arising at various stages of the imposition and application of the death penalty on the enjoyment of the human rights of those facing the death penalty and other affected persons, and to present it to the Human Rights Council at its thirtieth session;

4. *Decides* to convene biennial high-level panel discussions in order to further exchange views on the question of the death penalty, the first of which is to be held at the twenty-eighth session of the Human Rights Council and is to address regional efforts aiming at the abolition of the death penalty and the challenges faced in that regard;

5. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize the panel discussions and to liaise with States, relevant United Nations bodies, agencies, treaty bodies, special procedures and regional human rights mechanisms, as well as with parliamentarians, civil society, including non-governmental organizations,

[1] A/HRC/24/18.

and national human rights institutions, with a view to ensuring their participation in the panel discussions;

6. *Also requests* the Office of the High Commissioner to prepare a summary report on the first panel discussion for submission to the Human Rights Council at its thirtieth session;

7. *Decides* to continue consideration of this issue in accordance with its programme of work.

*37th meeting*
*26 June 2014*

[Adopted by a recorded vote of 29 to 10, with 8 abstentions. The voting was as follows:

*In favour*:

Algeria, Argentina, Austria, Benin, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, Estonia, France, Gabon, Germany, Ireland, Italy, Kazakhstan, Mexico, Montenegro, Namibia, Peru, Philippines, Romania, Sierra Leone, South Africa, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)

*Against*:

Botswana, China, Ethiopia, India, Indonesia, Japan, Kuwait, Pakistan, Saudi Arabia, United Arab Emirates

*Abstaining*:

Cuba, Kenya, Maldives, Morocco, Republic of Korea, Russian Federation, United States of America, Viet Nam]